



***Report to the
Auburn City Council***

Action Item

10

Agenda Item No.

[Signature]
City Manager's Approval

To: Mayor and City Council Members
From: Mark D'Ambrogi, Fire Chief *[Signature]*
Date: July 8, 2013
Subject: Weed Abatement Public Protest Hearing

The Issue

Shall the Council authorize the Fire Chief to perform abatement action on certain properties within the City of Auburn that have been declared a public nuisance?

Conclusion and Recommendation

Conduct a Public Hearing for the purpose of declaring public nuisance of those properties that have not complied with the Auburn Municipal Code, City Ordinance, Title IX, Chapter 95.03, "Notices to Remove: Default: Removal by City". And, by ABATEMENT ORDER, authorize the Fire Chief to abate those properties that have been posted and notified as a public nuisance and have not complied with "Notices to Remove".

Background

Attached as "Exhibit A", are listings of properties within the City of Auburn that have been sent "Notices to Destroy" weeds, dry grass, and or rubbish in an effort to reduce fire hazard potential. This is in accordance with the Weed Abatement Program declaring public nuisance upon such properties. Notices have been posted on such properties as well as mailed to listed property owners to destroy and remove such nuisance. Notices also advise the property owners of the scheduled Public Hearing of where the order for abatement may occur. The purpose of the public hearing is to allow any and all objections from any property owner that has not abated the public nuisance from their property. The Council may override any, all, or none of the objections at the public hearing and order abatement upon such properties.

Alternatives Available to Council; Implications of Alternatives

1. Conduct the public hearing and authorize abatement;
2. Take no action.

An order for abatement can only be passed until after such time a public hearing to allow protest has been conducted.

Fiscal Impact

All costs incurred by the City for abatement procedures will be recovered from the property owner(s).

Attachment: "Exhibit A"

"EXHIBIT A"

APN	ADDRESS	STREET
004-100-033	Vacant	High Street
055-040-028	Vacant	Riverview Drive
055-040-029	Vacant	Riverview Drive
055-040-031	Vacant	Riverview Drive
055-040-030	Vacant	Riverview Drive

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**THE CITY COUNCIL OF THE CITY OF AUBURN DOES RESOLVE AS
FOLLOWS:**

SECTION 1: That the weeds growing upon the streets and sidewalks in front of said property are weeds which bear seeds of a wingy or downy nature or attain such large growth as to become a fire menace to adjacent improved property when dry, or which are otherwise noxious or dangerous.

SECTION 3. That by reason of the foregoing fact, the weeds or dry grass, stubble, refuse, or other flammable material growing or existing upon the properties hereinafter described, and upon the streets and sidewalks in front of said property constitute a public nuisance and should be abated as such.

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2 SECTION 4. That the private property, together with the streets and
3 sidewalks in front of same herein referred to, is more particularly described as
4 follows, to-wit: Those properties described in Appendix "A" attached hereto
5 and by this reference made a part hereof as though set forth in full at this
6 point.
7

8 THEREFORE BE IT RESOLVED, pursuant to the foregoing findings of fact,
9 that the weeds or dry grass, stubble, refuse, or other flammable material in
10 and upon and in front of the real property hereinbefore described constitute
11 and are hereby declared to be a public nuisance which should be abated. The
12 Fire Chief, is hereby designated the person to give notice to destroy said weeds
13 or dry grass, stubble, refuse, or other flammable material and shall cause
14 notices to be given to each property owner by United States Mail and said
15 notice shall be substantially in the following form to-wit.

16 NOTICE TO DESTROY WEEDS AND REMOVE RUBBISH, REFUSE, AND
17 DIRT

18 Notice is hereby given that on the 10th day of June 2013, the City Council
19 of the City of Auburn passed a resolution declaring that noxious or dangerous
20 weeds were growing upon or in front of the property on this street, and that
21 rubbish, refuse, and dirt were upon or in front of property on this street, in
22 Auburn are more particularly described in the resolution, and that they
23 constitute a public nuisance which must be abated by the removal of the
24 weeds, rubbish, refuse, and dirt. Otherwise they will be removed and the
25 nuisance abated by the City and the cost of removal assessed upon the land
26 from or in front of which the weeds, rubbish, refuse, and dirt are removed and
27 will constitute a lien upon such land until paid. Reference is hereby made to
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1 the resolution for further particulars. A copy of said resolution is on file in the
2 office of the City Clerk.

3 All property owners having any objections to the proposed removal of the
4 weeds, rubbish, refuse, and dirt are hereby notified to attend a meeting of the
5 City Council of the City of Auburn to be held on July 8, 2013 at 6:00 p.m.
6 when their objections will be heard and given due consideration.


7 BE IT THEREFORE RESOLVED, that the Fire Chief is hereby authorized
8 and directed to authorize the recovery of costs of inspection of the properties
9 hereinabove described in a manner consistent with prior action of the City
10 Council. The recovery of these costs is vital to the ongoing operation
11 governing the identification and abatement of those properties that constitute
12 public nuisances and endanger the public safety.

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14 BE IT FURTHER RESOLVED THAT the 8th day of July 2013, at the
15 hour of 6:00 p.m. in the City of Auburn, is the day and hour, and the Meeting
16 Room of the City Council at City Hall is the place when and where any and all
17 property owners having any objections to the aforesaid proposed removal of
18 weeds or dry grass, stubble, refuse, or other flammable material may appear
19 before the City Council and show cause why said weeds or dry grass, stubble,
20 refuse, or other flammable material should not be removed in accordance with
21 this resolution, and said objections will then and there be heard and given due
22 consideration; and

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24 BE IT RESOLVED THAT the notices to destroy weeds or dry grass,
25 stubble, refuse or other flammable material hereinbefore referred to shall be
26 mailed by the City of Auburn at least ten days prior to July 8, 2013.

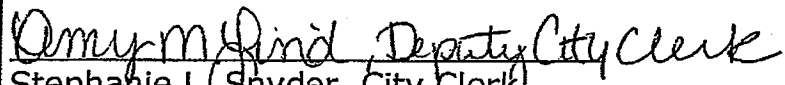
27 DATED: June 10, 2013
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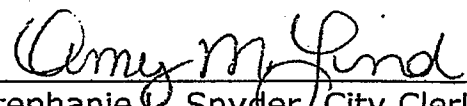
Kevin Hanley, Mayor

ATTEST:


Stephanie L. Snyder, City Clerk

I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify that the foregoing resolution was duly passed at a regular meeting of the City Council of the City of Auburn held on the 10th day of June 2013 by the following vote on roll call:

Ayes: Nesbitt, Kirby, Powers, Hanley
Noes:
Absent:
Abstained: Holmes



Stephanie L. Snyder, City Clerk

1 ABATEMENT ORDER

2
3 _____ July 8, 2013

4
5 FOLLOWING THE PUBLIC HEARING HELD July 8, 2013 IN THE MATTER OF
6 RESOLUTION TO ABATE NOXIOUS WEEDS, RUBBISH, AND REFUSE, THE CITY
7 COUNCIL OF THE CITY OF AUBURN, BY MOTION ADOPTED AN ORDER
8 DIRECTING THE ABATEMENT OF THE NUISANCE BY HAVING THE WEEDS,
9 RUBBISH, AND REFUSE REMOVED.
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13 CITY COUNCIL OF THE
14 CITY OF AUBURN
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17 BY _____
18 Kevin Hanley, Mayor
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20 ATTEST:

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22 BY _____
23 Stephanie L. Snyder, City Clerk
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1 STATE OF CALIFORNIA)
2) SS
3 CITY OF AUBURN)
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6 On or before the 8th day of July 2012, as required by the Government Code of
7 the State of California, the owners of each of the properties described in the
8 attached list were notified by United States Mail to destroy noxious or
9 dangerous weeds, of which the annexed is a true copy, and setting the 8th day
10 of July 2012 as the date upon which owners of said property could attend a
11 meeting of the Council of the City of Auburn, when their objections will be
12 heard and given due consideration.
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21 SUBSCRIBED AND SWORN TO BEFORE ME
22 This _____ day of _____, AUBURN
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26 _____
27 City Clerk
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[Appendix "A"]

APN	ADDRESS	STREET
004-100-033	Vacant	High Street
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